



# United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/825,328	04/03/2001	Srinivas Gutta	US010164	1775	
24737	7590 08/25/2005	EXAMINER			
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			NGUYEN	NGUYEN, DUC M	
P.O. BOX 300	01				
BRIARCLIFF MANOR, NY 10510			ART UNIT	PAPER NUMBER	
			2685		
			DATE MAILED: 09/25/2004	DATE MAIL ED: 09/25/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Applicating   Application No.   Applicant(s)   G0925,328   GUTTA ET AL							
Examiner Duc M. Nguyen  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address −  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Entersieve of time may be evaluable under the proteiner of 31 CPR 1.135(e). In no event, however, may a reply be timely filed  If the period for reply specified above, the macentum standards prief will help shadled from the proteiner of 12 CPR 1.135(e). In no event, however, may a reply be timely filed  If the period for reply specified above, the macentum standards prief will help and suit and prief size (i) MONTHS from the mailing date of this communication for the prief of the period for reply specified above, the macentum standards prief will help and will expire SIX (ii) MONTHS from the mailing date of this communication from the prief of the communication, even if timely filed, may reduce any standard prief will be standard prief will be communication.  Any reply received by the Office time than there months after the malling date of this communication, even if timely filed, may reduce any standard prief timely filed timely filed t		Application No.	Applicant(s)				
Duc M. Nguyen  2895  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  The MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified above is facts than thirty (30) days, a reply within the statisticy inflavour of thirty (30) days will be considered timely.  If the period for reply specified above is facts than thirty (30) days, a reply within the statisticy inflavour of thirty (30) days will be considered timely.  If the period for reply specified above is facts than thirty (30) days, a reply within the statisticy inflavour of thirty (30) days will be considered timely.  If the period for reply specified above is fact than thirty (30) days, a reply within the statistic print will reply in the mailing date of this communication.  If the period for reply specified above is fact than thirty (30) days, a reply within the statistic print will reply within the statistic print wil		09/825,328	GUTTA ET AL.				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edutations of terms type is writing under the previous of 37 CPR 1.136(d). In or event, however, may a reply be timely filed  Edutations of terms by the writing under the previous of 37 CPR 1.136(d). In or event, however, may a reply be timely filed  Edutation of terms by the writing under the previous of 37 CPR 1.136(d). In or event, however, may a reply be timely filed  Edutation of terms by the writing under the previous of 37 CPR 1.136(d). In or event, however, may a reply be timely filed  Edutation of the principle of the previous of the previ	Office Action Summary	Examiner	Art Unit				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extraction of time may be available under the proteions of 37 CFR 1.35(c). In no event, however, may a reply be timely filed  Ethosphore of the reply septical days will be available under the proteions of 37 CFR 1.35(c). In no event, however, may a reply be timely filed  Ethosphore of reply be severed above, the maximum clabatory period will apply and will be considered timely.  Ethosphore of reply be severed by the office extended period for reply be indeed above, the maximum clabatory period will apply and will be considered timely.  Ethosphore of the reply severed by the office extended period for reply will, by takind, cared to explore the explored period of the communication.  For reply reply revised by the office extended period for reply and the protein of the replication of the replication of the replication is proved to communication (s) filed on 17. June 2005.  Status  Status  I) Septimized the application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-39 is/are pending in the application.  4) Claim(s) 1-39 is/are allowed.  6) Claim(s) 1-12.13.39 and 39 is/are rejected.  7) Claim(s) 1-12.13.39 and 39 is/are rejected.  7) Claim(s) 1-12.13.39 and 39 is/are rejected.  7) The drawing(s) filed on 1-15 is/are: a) accepted or b) because the examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application frame and the examination of the protein of the drawing(s) is not accepted to See 37 CFR 1.35(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to See 37 CFR 1.121(d).  The cath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Action of the certifi		L					
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of tem may be wither with under the provision of 3°C PR 1.13(6). In ne event, however, may a nepty be timely filed other 5X (6) MONTHS from the mailing date of this communication. 13°C PR 1.13(6). In ne event, however, may a nepty be timely filed other 5X (6) MONTHS from the mailing date of this communication. 13°C PR 1.13(6). In the 15X (6) MONTHS from the mailing date of this communication of the 15X (6) MONTHS from the mailing date of this communication. 14 MONTHS for everyly within the state of the communication. 15X (6) MONTHS from the mailing date of this communication. 15X (6) MONTHS from the mailing date of this communication. 15X (6) MONTHS from the mailing date of this communication. 15X (6) MONTHS from the mailing date of this communication. 15X (7) MONTHS from the mailing							
1) Responsive to communication(s) filed on 17_June 2005.  2a) This action is FINAL. 2b) This action is non-final.  3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4 Claim(s) 1-39 is/are pending in the application. 4a) Of the above claim(s) 2-10.12-20.22-30 and 32-37 is/are withdrawn from consideration. 5 Claim(s) is/are allowed. 6 Claim(s) 1.11.21.31.38 and 39 is/are rejected. 7 Claim(s) is/are objected to. 8 Claim(s) are subject to restriction and/or election requirement.  Application Papers  9 The specification is objected to by the Examiner. 10 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11 The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S. C. § 119  12 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Copies of the priority documents have been received in Application No 3 Copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  **Attachment(e)** 1	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any						
2a)  This action is FINAL. 2b)  This action is non-final.  3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-39 is/are pending in the application. 4a) Of the above claim(s) 2-10.12-20.22-30 and 32-37 is/are withdrawn from consideration. 5)  Claim(s) is/are allowed. 6)  Claim(s)	Status						
2a)  This action is FINAL. 2b)  This action is non-final.  3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-39 is/are pending in the application. 4a) Of the above claim(s) 2-10.12-20.22-30 and 32-37 is/are withdrawn from consideration. 5)  Claim(s) is/are allowed. 6)  Claim(s)	1) Responsive to communication(s) filed on 17 July	ine 2005.					
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-39 is/are pending in the application. 4a) Of the above claim(s) 2-10.12-20.22-30 and 32-37 is/are withdrawn from consideration. 5)  Claim(s)							
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)	· ·	_					
4)  Claim(s) 1-39 is/are pending in the application. 4a) Of the above claim(s) 2-10.12-20.22-30 and 32-37 is/are withdrawn from consideration.  5)  Claim(s) is/are allowed. 6)  Claim(s) 1.11.21.31.38 and 39 is/are rejected. 7)  Claim(s) is/are objected to. 8)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a)							
4a) Of the above claim(s) 2-10.12-20.22-30 and 32-37 is/are withdrawn from consideration.  5) □ Claim(s) □ is/are allowed.  6) □ Claim(s) □ is/are objected to.  8) □ Claim(s) □ is/are objected to.  8) □ Claim(s) □ are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on □ is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No. □ □.  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) □ Interview Summary (PTO-413) □ Paper No(e)/Mail Date. □ .  Paper No(e)/Mail Date. □ .  Shotice of Parfesperson's Patent Drawing Review (PTO-948) 3) □ Information Disclosure Statement(e) (PTO-1449 or PTO/SB/08) 5 □ Mormation Disclosure Statement(e) (PTO-1449 or PTO/SB/08) 5 □ Mormation Disclosure Statement(e) (PTO-1449 or PTO/SB/08) 5 □ Mormation Disclosure Statement(e) (PTO-1449 or PTO/SB/08)	Disposition of Claims						
4a) Of the above claim(s) 2-10.12-20.22-30 and 32-37 is/are withdrawn from consideration.  5) □ Claim(s) □ is/are allowed.  6) □ Claim(s) □ is/are objected to.  8) □ Claim(s) □ is/are objected to.  8) □ Claim(s) □ are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on □ is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No. □ □.  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) □ Interview Summary (PTO-413) □ Paper No(e)/Mail Date. □ .  Paper No(e)/Mail Date. □ .  Shotice of Parfesperson's Patent Drawing Review (PTO-948) 3) □ Information Disclosure Statement(e) (PTO-1449 or PTO/SB/08) 5 □ Mormation Disclosure Statement(e) (PTO-1449 or PTO/SB/08) 5 □ Mormation Disclosure Statement(e) (PTO-1449 or PTO/SB/08) 5 □ Mormation Disclosure Statement(e) (PTO-1449 or PTO/SB/08)	4) Claim(s) 1-39 is/are pending in the application.						
5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s) 1) Notice of References Cited (PTO-892) Paper No(s)/Mail Date Paper No(s)/Mail Date Paper No(s)/Mail Date Paper No(s)/Mail Date  10 Notice of Informal Patent Application (PTO-152)							
6) ☐ Claim(s) 1.11.21.31.38 and 39 is/are rejected.  7) ☐ Claim(s) is/are objected to.  8) ☐ Claim(s) is/are objected to.  8) ☐ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) ☐ The specification is objected to by the Examiner.  10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☐ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☐ Interview Summary (PTO-413)  Paper No(s)/Mail Date  9) ☐ Notice of Informal Patent Application (PTO-152)							
7)  Claim(s) is/are objected to. 8)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a)  accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1.	<u> </u>	<u> </u>					
## Application Papers  9							
9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)	<u> </u>	<u></u>					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☐ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) ☐ Notice of Informal Patent Application (PTO-152)	Application Papers						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☐ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) ☐ Notice of Informal Patent Application (PTO-152)	9) The specification is objected to by the Examine	r.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some columns have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)							
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)							
12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☒ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) ☐ Notice of Informal Patent Application (PTO-152)							
a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) ☐ Notice of Informal Patent Application (PTO-152)	Priority under 35 U.S.C. § 119						
a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) ☐ Notice of Informal Patent Application (PTO-152)	<u> </u>						
1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) ☐ Notice of Informal Patent Application (PTO-152)							
2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) ☐ Notice of Informal Patent Application (PTO-152)							
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)							
application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  * See the attached detailed Office action for a list of the certified copies not received.  4) Interview Summary (PTO-413) Paper No(s)/Mail Date.  5) Notice of Informal Patent Application (PTO-152)							
Attachment(s)  1) Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  4) Interview Summary (PTO-413) Paper No(s)/Mail Date.  5) Notice of Informal Patent Application (PTO-152)	· · · · · · · · · · · · · · · · · · ·						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date.  5) Notice of Informal Patent Application (PTO-152)	* See the attached detailed Office action for a list of the certified copies not received.						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date.  5) Notice of Informal Patent Application (PTO-152)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  Notice of Informal Patent Application (PTO-152)							
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)							

#### **DETAILED ACTION**

This action is in response to applicant's response filed on 6/17/05. Claims 1-39 are now pending in the application.

### Information Disclosure Statement

1. The references listed in the information disclosure statements submitted on 9/10/02 has been considered by the examiner (see attached PTO-1449).

#### Election/Restrictions

- 2. Applicant's election with traverse of group I (claims 1, 11, 21, 21, 38-39) in the reply filed on 6/17/05 is acknowledged. The traversal is on the ground(s) that the restriction does not show "separate classification, status or field of search". This is not found persuasive because
  - Claims 1, 11, 21, 31, 38-39 drawn to a method for recommending an item based on user's preferences under one or more environmental conditions, classified in class 705, subclasses 10, 26
  - II. Claims 2-4, 12-14, 22-24 drawn to a method for recommending a radio station, or content or product based on user's preferences under one or more environmental conditions, classified in class 705, subclasses 10, 26 and class 455, subclasses 3.01+, 432.3.
  - III. Claims 5-8, 15-18, 25-28, 32-35 drawn to a method for recommending an item based on different environmental conditions such as location.

weather or user motion, classified in class 705, subclasses 10, 26 and class 455, subclass 456.5.

IV. Claims 9-10, 19-20, 29-30, 36-37 drawn to a method for recommending an item based on preferences of a user profile, classified in class 705, subclasses 10, 26 and class 455, subclass 432.3.

Inventions I (claims 1, 11, 21, 21, 38-39) and II (claims 2-4, 12-14, 22-24) are related as <u>combination</u> and <u>subcombination</u>. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination (group I) as claimed does not require the particulars of the subcombination as claimed because the combination has <u>user preferences and environmental condition</u> features that does not require the particulars of the subcombination as claimed for patent ability. The subcombination has separate utility such as a radio station, a content or product.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Inventions I and III are related as <u>combination and subcombination</u>. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP §

Application/Control Number: 09/825,328

Art Unit: 2685

806.05(c)). In the instant case, the combination (group I) as claimed does not require the particulars of the subcombination as claimed because the combination has <u>item</u> recommendation and user preferences features that does not require the particulars of the subcombination as claimed for patent ability. The subcombination has separate utility such as user location, weather or user motion conditions.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group III, restriction for examination purposes as indicated is proper.

Inventions I and IV are related as <u>combination and subcombination</u>. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination (group I) as claimed does not require the particulars of the subcombination as claimed because the combination has <u>item</u> recommendation and environmental condition features that does not require the particulars of the subcombination as claimed for patent ability. The subcombination has separate utility such as preferences of a user profile.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group IV, restriction for examination purposes as indicated is proper.

Inventions II, III and IV are related as <u>subcombinations disclosed as usable</u> together in a single combination. The subcombinations are distinct from each other if

Application/Control Number: 09/825,328 Page 5

Art Unit: 2685

they are shown to be separately usable. In the instant case, invention II has separate utility such as radio station, content or product while invention III has separate utility such as user location, weather or user motion, and invention IV has separate utility such as preferences of a user profile. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Groups III or IV, restriction for examination purposes as indicated is proper.

In summary, since the search required for Group I is not required for Groups II, III or IV, the requirement is still deemed proper (burden search) and is therefore made FINAL.

3. Claims 2-10, 12-20, 22-30, 32-37 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 6/17/05.

## Claim Rejections - 35 USC ∋ 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Application/Control Number: 09/825,328

Art Unit: 2685

5. Claims 1, 11, 21, 31, 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable by Tuzhilin (US 6,236,978) in view of Asgharzadeh et al (US Patent Number 5,590,246).

Page 6

Regarding claim 1, Tuzhilin discloses a method for recommending an item to a user, comprising the steps of:

- observing preferences of said user under one or more environmental conditions (see col. 11, lines 20-29 and col. 13, lines 38-65); and
- generating a recommendation score for said item based on features of said item and said observed preferences of said user under said one or more environmental conditions (see col. 12, lines 4-24 and col. 13, lines 38-65).

Here, although **Tuzhilin** is silence on the recommendation score, it is noted that in order to recommend an item (i.e, perfume or restaurant) to a user, it is clear that the fuzzy logic rule based system as disclosed by **Tuzhilin** (see col. 5, line 1 – col. 10, line 50) would obviously derive scores for recommended items based on maximum scores in the similar way as mentioned by **Asgharzadeh** (see col. 2, lines 40-53). Therefore, the claimed limitation is made obvious by **Tuzhilin** and **Asgharzadeh**, for generating recommendation scores as claimed, in order to produce recommend items to a user according their highest scores.

Regarding claims **21**, **38**, the claim is rejected for the same reason as set forth in claim 1 above, wherein it is clear that in order to implement the fuzzy logic rule based system as disclosed by **Tuzhilin**, a computer readable medium is obviously, if not

Art Unit: 2685

inherently, required in order to compute scores and generate recommended items to a user.

Regarding claims **11, 31, 39**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, **Tuzhilin** discloses the environmental characteristics (user location) for a given time as claimed (see col. 12, lines 4-25 and col. 13, lines 38-65).

#### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 20020077931A1 to **Henrion** et al, US20040068552A1 to **Kotz** et al, US 20020199194A1 to **Ali**, US006571279B1 to **Herz** et al, US006463382B1 to **Bullock**, US006209026B1 to **Ran** et al, US006005597A to **Barrett** et al, US006370513B1 to **Kalawa** et al, US006851090B1 to **Gutta** et al, US006636836B1 to **Pyo** and US006704931B1 to **Schaffer** et al.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

#### or faxed to:

(571) 273-8300 (for formal communications intended for entry)

(571)-273-7893 (for informal or draft communications).

Art Unit: 2685

Hand-delivered responses should be brought to Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893, Monday-Thursday (9:00 AM - 5:00 PM).

Or to Edward Urban (Supervisor) whose telephone number is (571) 272-7899.

Duc M. Nguyen

July 28, 2005